IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12629 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHAIKH JAMIRAHMED GULAMRASUL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 12629 of 2004

MR MURALI N DEVNANI for Petitioner No. 1

MR JITENDRA MALKAN for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

DS AFF.NOT FILED (R) for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/10/2004

ORAL JUDGEMENT

1. Rule. Mr.Jitendra Malkan, learned Additional Central Government Standing Counsel waives service of rule. At the request of learned counsel for the parties the petition is finally heard today.

2. The petitioner states that through inadvertence his date of birth and place of birth are wrongly mentioned in the Passport and the respondent authority has refused to entertain his request to correct the said mistakes. According to the petitioner the correct date of birth is 15.02.1971 instead of 17.09.1968 and the correct place of birth is Chakia Ibrahimpur Post Office Saraiweer, Police Station Saraiweer, Tehsil : Nizamabad, Dist : Azamgarh (U.P.) instead of Azamgarh in the Passport.

3. Learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded in the passport. He has further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

4. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner in support of his case to correct the date of birth as mentioned above. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before it and shall pass an appropriate order as expeditiously as possible.

5. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

6. Accordingly the petition is allowed to the aforesaid extent. Rule is made absolute. D.S. permitted.

(K. S. JHAVERI J.)

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